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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,138	07/20/2000	Takahiro Saito	960474B	3485

23850 7590 06/13/2002

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WASHINGTON, DC 20006

EXAMINER

TUGBANG, ANTHONY D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 06/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,138

Applicant(s)

SAITO ET AL.

Examiner

Dexter Tugbang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/661,085.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed 3/21/02 (Paper No. 7) has been fully considered and made of record.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 7, the inconsistency between the language in the preamble "A wire harness loosening jig..." and certain portions of the body of the claim such as "...a guide rail...of said wire harness;..." (line 4) renders the scope of the claim vague and indefinite because it is unclear if the intent is to claim either the subcombination of the wire harness loosening jig alone, or the combination of the wire harness loosening jig and the wire harness. The applicant is asked to please clarify what subject matter the claim is intended to be drawn to where the language of the preamble of the claim is to be amended to be consistent with this intent.

Similar problems above occur in Claim 9.

For purposes of examination, the examiner assumes the applicants intended to claim the *combination* of the wire harness loosening jig and the wire harness.

NOTE: To avoid the above 112 rejection, the examiner recommends amending the preamble to read as –A wire harness loosening jig in combination with a wire harness...--.

Claim Rejections - 35 USC § 102

4. Claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Helm 4,512,828.

Helm discloses a wire harness loosening jig in combination with a wire harness comprising: a base plate (support frame 22); a fixing-side clamping portion (clamping mechanism 56 in Fig. 1) on the base plate for clamping one end of a wire harness (cable 21); a guide rail (either rod 32 or 34 in Fig. 4) extending in a longitudinal direction of the wire harness 21; a movable-side clamping portion (clamping mechanism 54) arranged with the guide rail; and a drive mechanism (hydraulic system 72) which enables the movable-side clamping portion 54 to move towards or away from the fixing-side clamping portion 56 (see col. 4, lines 10-25). The structure of the movable-side clamping portion 54 is capable of performing the function of “for clamping...loosened.” (lines 6-9 of Claim 7).

Regarding Claim 9 and the “wherein...” (last 4 lines of Claim 9) clause, Helm teaches a driving mechanism 72 which includes a screw shaft (member 186), a bearing (clamp 188), a motor 74 and a lever 92.

Response to Arguments

5. Applicant's arguments filed 3/21/02 (Paper No. 7) have been fully considered but have not been deemed to be found as persuasive.

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mt In regards to the merits of Helm, applicants contend that Helm does not teach the wire harness loosening jig as having the function of "loosening a wire harness". The examiner traverses because Helm meets all of the claimed structure of the wire harness loosening jig, which is capable of performing the function ^{of} loosening the wire harness. A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987). Furthermore, the Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959).

With respect the merits of Imbault, Imbault does not teach any elements which can be read as the claimed "base plate". As such, the previous rejection of Imbault has been withdrawn and the arguments drawn to the merits of Imbault are now moot.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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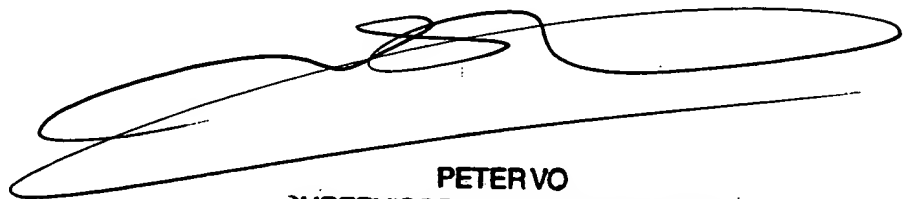
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dexter Tugbang whose telephone number is 703-308-7599. The examiner can normally be reached on Monday - Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3588 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

adt
June 11, 2002

A large, stylized handwritten signature in black ink, likely belonging to Peter Vo, is written over a horizontal line.

**PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700**